

RECKITT BENCKISER

NORTH AMERICA

Robert A. Hyde
Senior Counsel
Intellectual Property

Via Facsimile No. (011) 31 70 340-3016

February 18, 2004

European Patent Office
PB 5815 Patentlaan 2
NL 2280 HV Rijswijk
NETHERLANDS

RE: PCT/GB03/01727
Reckitt Benckiser Inc. et al.
RB File No. 10444P3 WO
Response to PCT Written Opinion dated 20.11.2003

Dear Sirs:

This communication is responsive to the PCT Written Opinion mailed November 20, 2003 established in the above-identified application.

The undersigned applicant's representative thanks the IPEA for the acknowledgement of novelty of all of the outstanding claims of the pending PCT application. No amendments to the claims are being entered.

The applicant's representative respectfully traverses the remarks of the IPEA with respect to the inventive step exhibited by the present claims in view of D1 and D2 and asks for reconsideration in view of the following remarks.

A skilled artisan reviewing the D2 reference would, at the outset, likely dismiss the purported teachings within from any further consideration relevant to the field of hard surface cleaning and disinfecting compositions. The D2 reference is directed to the provision of a graft-modified natural rubber latex obtained by cationically modifying the graft-natural natural rubber latex with a cationic surfactant in the presence of a nonionic surfactant such polyoxyalkylene tristyryl phenyl ether. The resultant rubber latex product obtained from this reaction is taught to be useful as an adhesive for fibers and papers.

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Ab initio, the D2 reference is concerned with a reaction product of a graft-modified natural rubber latex obtained by modifying the graft-natural natural rubber latex with a cationic surfactant in the presence of a material such as a such polyoxyalkylene tristyryl phenyl ether. The focus of the D2 document is then on the reaction product, viz., a rubber useful as an adhesive which is of little technical relevance to hard surface cleaning and disinfecting compositions such as the present applicant now claims. Thus, it is not seen how the D2 document considered alone can be considered relevant. Similarly it is not seen how a skilled artisan could rely upon the D2 document in order to overcome shortcomings in the D1 compositions in order to provide the novel compositions which are only provided to the art by the present applicant. Accordingly withdrawal of the D1 and D2 references as applicable against the present claims is requested.

Similarly while the Clariant product data provides background technical information as to tristyrylphenolethoxylates, this information is believed to be relevant only as to the technical background of the applicant's claimed invention. Nothing in the product data suggests that excellent performance properties can be obtained from the use of such materials in hard surface cleaning and disinfecting compositions according to the present claims. No prior art document indicates the use of such tristyrylphenolethoxylates in hard surface cleaning and disinfecting compositions, thus being novel, a skilled artisan has no expectations as to the performance of such materials. Indeed, the absence of such formulations may be suggestive to the skilled artisan that such tristyrylphenolethoxylates may indeed be incompatible in such hard surface cleaning and disinfecting compositions as such specific formulations are not otherwise documented. With regard to the fact that tristyrylphenolethoxylates may have been per se, known as available raw materials does not in the undersigned's view provide sufficient reason why as skilled artisan would select such tristyrylphenolethoxylates from the huge number of other known materials which, using the benefit of "hindsight" might also arguably have been suggested. Nothing in the prior art documents considered severally or collectively provides any reasonable suggestion to a skilled artisan to select tristyrylphenolethoxylates from the huge myriad of available raw materials, absent the exercise of an inventive step. Accordingly withdrawal of the Clariant data reference as applicable against the present claims is requested

Favorable consideration of the foregoing, and the establishment of a favorable IPER acknowledging novelty and inventive step of claims 1 - 11 is solicited.

Respectfully;



Robert A. Hyde, Esq.
Authorized Representative
RECKITT BENCKISER Inc. et al.

Feb. 18, 2004
Date:

cc: Danielle Milner - Group Patents Department

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